

# **EXHIBIT 1**

**From:** [Bograd, Louis](#)  
**To:** [Watterson, Kim M.](#); [Pistilli, Christian](#); [Saltzburg, Lisa M.](#); [Quirk, Michael](#); [Mark Pifko](#); [Sterling Cluff](#)  
**Cc:** [Gaffney, Mike](#)  
**Subject:** RE: EXTERNAL-FW: jury instructions  
**Date:** Thursday, October 3, 2019 1:10:41 PM  
**Attachments:** [image001.jpg](#)  
[Draft Joint Submission on Jury Instructions LMB 100319 incorporating introductory language and agreed-upon instructions.DOCX](#)

---

**[EXTERNAL]**

Kim and company –

Attached please find an updated version with some proposed introductory language (short and sweet), along with a filled-in section for instructions on which the parties have agreed. (Please note the modest edit we made to what had been Defendants’ proposed 17 concerning Compensatory Damages; please advise if that is a problem).

I did not attempt any reformatting of this document. Nevertheless, please note that my introduction identifies the three sections (agreed instructions; plaintiffs’ instructions with defendants’ objections; and defendants’ instructions with plaintiffs’ objections) as Exhibits to the main document, which would then be just the introduction. I trust that you all can handle that conversion.

In answer to Kim’s questions:

We agree to drop all instructions concerning punitive damages. I have been assured that Plaintiffs are not seeking them at trial, although I can’t seem to get anyone to say that out loud in a formal communication.

Yes, please feel free to renumber our exhibits, with one caveat: We proposed to drop numbers 1-14, 16, and 44-50, the general form instructions, but not number 15. That is one where I still feel plaintiffs and defendants should be able to reach agreement. Until we do, however, it should be kept in. (I haven’t yet had a chance to review Chris’s edit to see where we stand on that.)

I am concerned about multiple versions flying around and things getting lost. It would be great if you could break this into 4 pieces (submission with introductory language plus the three Exhibits) and then we should make sure that every version has a time or other control number in its title and that we know who is working on each at any given time.

Please know that part of my team will be unavailable for at least a few hours this evening because of a social obligation with the firm.

Lou

**Louis Bograd** | Attorney at Law | Motley Rice LLC  
401 9th St. NW, Suite 1001 | Washington, DC 20004 | [lbograd@motleyrice.com](mailto:lbograd@motleyrice.com)  
o. 202.386.9623 x5623 | c. 434.242.2473 | f. 202.232.5513